



## CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk  
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City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SANTA CLARA)  
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28756**", the original copy of which is attached hereto, was passed for publication of title on the **15<sup>th</sup> day of June, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **22<sup>nd</sup> day of June, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **23<sup>rd</sup> day of July, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **28<sup>th</sup> day of June, 2010**.

(SEAL)

LEE PRICE, MMC  
CITY CLERK & EX-OFFICIO  
CLERK OF THE CITY COUNCIL

/rmk

**ORDINANCE NO. 28756**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTHWEST SIDE OF CAROL DRIVE, APPROXIMATELY 900 FEET WEST OF HIGHWAY 87 (2661 CAROL DRIVE), FROM R-1-1 SINGLE-FAMILY RESIDENCE DISTRICT TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT**

**WHEREAS**, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, the area encompassed by the subject proposed rezoning was the subject of a Mitigated Negative Declaration prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and found complete by the Planning Commission on May 26, 2010, under File No. PDC07-018, which determination has not been challenged, protested or appealed; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

**WHEREAS**, this Council of the City of San José hereby has considered, approves and adopts said MND prior to taking any approval actions on this rezoning project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development. The base zoning district of the subject property shall be the A - Agriculture Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Rezoning for 2661 Carol Drive A Residential Development By BBSKM Family, LLC in San Jose California," **last revised May 12, 2010.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No. PDC07-018 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.


**PASSED FOR PUBLICATION** of title this 15<sup>th</sup> day of June, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

  
CHUCK REED  
Mayor

ATTEST:

  
LEE PRICE, MMC  
City Clerk

28756

**SCHEDULE C  
LEGAL DESCRIPTION**

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

**PARCEL A:****PARCEL ONE:**

Beginning at a point in the Northeasterly line of Lot 15 of Canoas Garden Tract, as recorded in Book N of Maps, Page 85, Records of Santa Clara County, California, distant thereon N. 36 deg. 16' 30" W. 207.06 feet from the most Easterly corner of said Lot 15; thence parallel with the Southeasterly line of said Lot 15, S. 45 deg. 42' 30" W. 210.00 feet; thence parallel with the Northeasterly line of said Lot 15, N. 39 deg. 16' 30"; W., 147.40 feet; thence parallel with the Southeasterly line of said Lot 15, N 45 deg. 41' 30" E., 210.00 feet to a point in the Northeasterly line of said Lot 15; thence S. 39 deg. 16' 30" E., along said last named line 147.40 feet; to the Point of Beginning, and being a portion of Lot 15 of the Canoas Garden Tract, in Pueblo Tract No. 1, San Jose City Land, as shown upon the Map thereof hereinabove referred to.

**PARCEL TWO:**

A right of way 30 feet wide, the centerline of which is described as follows;

Beginning at a one inch iron bar in the Southwesterly line of Lot 15 of the Canoas Garden Tract, distant thereon S. 39° 25' S. 352.31 feet from a 3/4 inch pipe at the most Southerly corner of that certain tract of land conveyed by Karau to W.W. Kurts, as recorded in Book 1593 Official Records, page 118; and running thence N. 71° 45' E., 99.31 feet to a 1/2 inch pipe; thence N. 76° 08' E., 72.51 feet to a 1/2 inch pipe; thence S. 89° 21' E., 17.28 feet; thence on a curve to the right, with a radius of 273.35 feet, through a central angle of 36° 49' 30" for a distance of 175.69 feet; thence S. 52° 31' 30" 3., 402.22 feet; thence on a curve to the left, with a radius of 25 feet, through a central angle of 116° 42' 30" for a distance of 50.92 feet; thence running N. 10° 46' E., 284.23 feet to a 1/2 inch pipe; thence N. 15° 26' E., 56.99 feet to a 1/2 inch pipe; thence N. 25° 39' 30" E., 41.55 feet to a 1/2 inch pipe; thence on a curve to the right, with a radius of 54.00 feet, through a central angle of 115° 04', for a distance of 108.45 feet to a 1/2 inch pipe which is 15 feet Southwesterly at right angle from the Northeasterly line of Lot 15 of the Canoas Garden Tract; thence parallel with and 15 feet Southwesterly at right angles from the Northeasterly line of said Lot 15, S. 39° 16' 30" E., 727.83 feet to a 1/2 inch pipe in the Northeasterly line of land of Bevins.

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PARCEL B:

PARCEL ONE:

Beginning at a 3/4 inch pipe in the Southwesterly line of Lot 15 of Canoas Garden Tract, as recorded in Map Book N, page(s) 85, Santa Clara County Records, distant thereon N. 39° 15' W., 207.06 feet from a 3/4 inch pipe at the most Southerly corner of said Lot 15, said Point of Beginning being the most Westerly corner of the lands of Bevins; and running thence from said Point of Beginning along the Southwesterly line of said Lot 15, N. 39° 15' W., 147.40 feet to a 3/4 inch pipe; thence parallel with the Southeasterly line of said Lot 15, N. 45° 41' 30" E., 791.85 feet to a one inch pipe in the Northeasterly line of said Lot 15; thence along the Northeasterly line of said Lot 15, S. 39° 16' 30" E., 147.40 feet to a one inch pipe at the most Northerly corner of said land of Bevins; thence parallel with the Southeasterly line of said Lot 15, S. 45° 41' 30" W., 791.94 feet to the place of beginning; and being a portion of Lot 15, of the Canoas Garden Tract, in Pueblo Tract No. 1, San Jose City Lands, Santa Clara County, California.

Excepting therefrom that portion conveyed by Deed recorded on November 6, 1985 in Book J511 Official Records, page 2230, and being described as follows:

Being a portion of Lot 15 as said Lot is shown on that certain Map of "Canoas Garden Tract", filed in Map Book "N", page(s) 85, Santa Clara County Records, and more particularly described as follows: Beginning at a point on the Southwesterly line of Lot 15, said point being distant thereon N. 37° 59' 32" W., 207.06 feet from the most Southerly corner of said Lot 15, said point also being the most Westerly corner of Parcel 3 as shown on that certain Record of Survey filed in Map Book 111, page(s) 50, and the most Southerly corner of Parcel D as shown on that certain Record of Survey filed in Map Book 230, page(s) 2, Santa Clara County Records; thence Northwesterly along the common line of Parcel "D" and Santa Clara County Transit District (formerly lands of The Roman Catholic Archbishop of San Francisco), N. 37° 59' 32" W. 147.40 feet to the common corner of Parcel "D" and Parcel "C" as shown on aforesaid Record of Survey filed in Map Book 230, page(s) 2, said Parcel "C" now owned by the State of California (formerly land of Percy); thence Northeasterly along common line of Parcels "C" and "D" and the Northeasterly prolongation thereof, N. 46° 54' 59" H. 296.70 feet; thence S. 37° 59' 32" E., 147.39 feet to the Northwesterly line of said Parcel "3"; thence Southwesterly along the Northwesterly line of Parcel "3" S. 46° 54' 51" W., 296.71 feet to the Point of Beginning.

Also excepting therefrom, that portion conveyed by Deed recorded August 31, 1999 as Instrument No. 14964653, official Records, and being described as follows:

Beginning at a point in the Northeasterly line of Lot 15 of Canoas Garden Tract, as recorded in Book N of Maps, Page 85, Records of Santa Clara County, California, distant thereon N. 36 deg. 16' 30" W. 207.06 feet from the most Easterly corner of said Lot 15; thence parallel with the Southeasterly line of said Lot 15, S. 45 deg. 42' 30" W. 210.00 feet; thence parallel with the Northeasterly line of said Lot 15, N. 39 deg. 16' 30"; W., 147.40 feet; thence parallel with the Southeasterly line of said Lot 15, N 45 deg. 41' 30" E., 210.00 feet to a point in the Northeasterly line of said Lot 15; thence S. 39 deg. 16' 30" E., along said last named line 147.40 feet; to the Point of Beginning, and being a portion of Lot 15 of the Canoas Garden Tract, in Pueblo Tract No. 1, San Jose City Land, as shown upon the Map thereof hereinabove referred to.

PARCEL TWO:

A right of way 30 feet wide, the centerline of which is described as follows;

Beginning at a one inch iron bar in the Southwesterly line of Lot 15 of the Canoas Garden Tract, distant thereon S. 39° 25' S. 352.31 feet from a 3/4 inch pipe at the most Southerly corner of that certain tract of land conveyed by Karau to W.W. Kurts, as recorded in Book 1593 Official Records, page 118; and running thence N. 71° 45' E., 99.31 feet to a 1/2 inch pipe; thence N. 76° 08' E., 72.51 feet to a 1/2 inch pipe; thence S. 89° 21' E., 17.28 feet; thence on a curve to the right, with a radius of 273.35 feet, through a central angle of 36° 49' 30" for a distance of 175.69 feet; thence S. 52° 31' 30" 3., 402.22 feet; thence on a curve to the left, with a radius of 25 feet, through a central angle of 116° 42' 30" for a distance of 50.92 feet; thence running N. 10° 46' E., 284.23 feet to a 1/2 inch pipe; thence N. 15° 26' E., 56.99 feet to a 1/2 inch pipe; thence N. 25° 39' 30" E., 41.55 feet to a 1/2 inch pipe; thence on a curve to the right, with a radius of 54.00 feet, through a central angle of 115° 04', for a distance of 108.45 feet to a 1/2 inch pipe which is 15 feet Southwesterly at right angle from the Northeasterly line of Lot 15 of the Canoas Garden Tract; thence parallel with and 15 feet Southwesterly at right angles from the Northeasterly line of said Lot 15, S. 39° 16' 30" E., 727.83 feet to a 1/2 inch pipe in the Northeasterly line of land of Bevins.

ARB No: 455-19-081; 455-19-082

APN No: 455-19-082; 455-19-097